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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,030	10/12/2000	Robert W. Scheifler	6502.0107-01	5116

22852 7590 04/30/2002

FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER LLP  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

ALAM, HOSAIN T

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 04/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, LLP.

05/06/02 JAB/IEP  
06502-0107-01  
08/06/02 W/EXT  
RESPONSE QUE  
RS

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/688,030		SCHEIFLER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Hosain T Alam		2172	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3,4,5</u> . | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

This Office Action is in response to preliminary amendment filed on October 12, 2000, Paper No. 2. Claims 24-26 are pending in this Action.

### ***Information Disclosure Statement***

The information disclosure statement filed in Paper No. 2, 3, 4, 5, 6, 7 have been considered.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 24-26 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 4 of U.S. Patent No. 6,182,083 issued to Scheifler et al. ("the '083 patent"). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons.

Art Unit: 2172

Claims 24-25 differ from the patented claims 1, 3, and 4 as such they do not explicitly indicate a request that includes a take or read operation and a step of removing a matched entry from a database. The subject matter covered in claims 25-26 is taught by multitemplate as recited in claim 1.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention recited in claims 1, 3 and 4 by including the step of removing a matched entry in a database to improve system performance such that the entries to be visited in a database in response to each of subsequent requests will be reduced. The memory space required to store the entries will be minimized and the system will have more memory space available for other purposes.

Claims 25-26 are rejected under the same rationale given to claim 24.

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6,032,151 issued Arnold et al.

"The Jini Architecture: Dynamic Services in a Flexible Network," ken Arnold, Sun Microsystems, Inc., Proceedings of the 36<sup>th</sup> ACM IEEE design Automation Conference, June 1999, pages 157-162

Art Unit: 2172

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosain T Alam whose telephone number is (703) 308-6662. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 3800.

The following contact numbers may also be used:

TC 2100 After Finals number is 703-746-7238

TC 2100 Official Fax number is 703-746-7239

TC 2100 Customer Service Center is 703-746-7240

  
Hosain T Alam  
Primary Examiner  
Art Unit 2172

April 28, 2002

<b>Notice of References Cited</b>	Application/Control No. 09/688,030		Applicant(s)/Patent Under Reexamination SCHEIFLER ET AL.	
	Examiner Hosain T Alam		Art Unit 2172	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,032,151	02-2000	Arnold et al.	707/102
	B	US-6,182,083	01-2001	Scheifler et al.	707/1
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	"The Jini Architecture: Dynamic Services in a Flexible Network," Ken Arnold, Sun Microsystems, Inc., Proceedings of the 36th ACM IEEE design Automation Conference, June 1999, pages 157-162
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

INFORMATION DISCLOSURE CITATION  
(Use several sheets if necessary)

30406 U.S. PTO  
09/688030  
10/12/99

Atty. Docket No. 06502.0107-01000	Serial No. 09/044,835
Applicant Robert W. SCHEIFLER et al.	
Filing Date March 20, 1998	Group <del>2771</del> 2172

U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
mt	US4,491,946	01/01/1985	Kryskow, Jr. et al.	1		
	US4,713,806	12/15/1987	Oberlander et al.			
	US4,809,160	02/28/1989	Mahon et al.			
	US4,823,122	04/18/1989	Mann et al.			
	US4,939,638	07/03/1990	Stephenson et al.			
	US4,956,773	09/11/1990	Saito et al.			
	US5,109,486	04/28/1992	Seymour			
	US5,218,699	06/08/1993	Brandle et al.			
	US5,297,283	03/22/1994	Kelly, Jr. et al.			
	US5,311,591	05/10/1994	Fischer			
	US5,339,435	08/16/1994	Lubkin et al.			
	US5,386,568	01/31/1995	Wold et al.			
	US5,390,328	02/14/1995	Frey et al.			
	US5,423,042	06/06/1995	Jalili et al.			
	US5,440,744	08/08/1995	Jacobson et al.			
	US5,448,740	09/05/1995	Kiri et al.			
	US5,455,952	10/03/1995	Gjovaag			
	US5,471,629	11/28/1995	Risch			
	US5,475,792	12/12/1995	Stanford et al.			
mt	US5,475,817	12/12/1995	Waldo et al.			

Examiner <i>mt</i>	Date Considered: 4/25/02
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Atty. Docket No. 06502.0107-01000	Serial No. 09/044,835
Applicant Robert W. SCHEIFLER et al.	
Filing Date March 20, 1998	Group 2771

**U.S. PATENT DOCUMENTS**

Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
W8	US5,481,721	01/02/1996	Serlet et al.		1	
	US5,504,921	04/02/1996	Dev et al.			
	US5,511,197	04/23/1996	Hill et al.			
	US5,524,244	06/04/1996	Robinson et al.			
	US5,553,282	09/03/1996	Parrish et al.			
	US5,555,367	09/10/1996	Premarlani et al.			
	US5,577,231	11/19/1996	Scalzi et al.			
	US5,617,537	04/01/1997	Yamada et al.			
	US5,628,005	05/06/1997	Hurvig			
	US5,640,564	06/17/1997	Hamilton et al.			
	US5,652,888	07/29/1997	Burgress			
	US5,671,225	09/23/1997	Hooper et al.			
	US5,675,796	10/07/1997	Hodges et al.			
	US5,680,573	10/21/1997	Rubin et al.			
	US5,680,617	10/21/1997	Gough et al.			
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W2	US5,832,529	11/03/1998	Wollrath et al.			

Examiner <i>W8</i>	Date Considered: <i>4/25/02</i>
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
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Atty. Docket No. 06502.0107-01000	Serial No. 09/044,835
Applicant Robert W. SCHEIFLER et al.	
Filing Date March 20, 1998	Group 2771

**FOREIGN PATENT DOCUMENTS**

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<i>mb</i>	EPO 300 516 A2	01/25/1989	EPO			
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	EPO 384 339 A3	08/29/1990	EPO			
	EPO 472 874 A1	03/04/1992	EPO			
	EPO 474 340 A2	03/11/1992	EPO			
	EPO 555 997 A2	08/18/1993	EPO			
	EPO 565 849 A2	10/20/1993	EPO			
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	EPO 625 750 A2	11/23/1994	EPO			
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	EPO 651 328 A1	05/03/1995	EPO			
	EPO 660 231 A2	06/28/1995	EPO			
	EPO 697 655 A2	02/21/1996	EPO			
	EPO 718 761 A1	06/26/1996	EPO			
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<i>mb</i>	EPO 778 520 A2	06/11/1997	EPO			

Examiner <i>W. H. Lam</i>	Date Considered: <i>4/25/02</i>
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Atty. Docket No. 06502.0107-01000	Serial No. 09/044,835
Applicant Robert W. SCHEIFLER et al.	
Filing Date March 20, 1998	Group 2771

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Examiner Initial*	Document Number	Date	Country	Class	Sub Class	Translation Yes or No
mb	EPO 803 811 A2	10/29/1997	EPO			
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	EPO 817 020 A2	01/07/1998	EPO			
	EPO 817 022 A2	01/07/1998	EPO			
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	WO 98/02814	01/22/1998	PCT			
mb	WO 98/04971	02/05/1998	PCT			

Examiner <i>mb</i>	Date Considered: 4/25/02
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
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Applicant Robert W. SCHEIFLER et al.	
Filing Date March 20, 1998	Group 2771

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	Anonymous, "Change-Notification Service for Shared Files," IBM Technical Disclosure Bulletin, Vol. 36, No. 8, pages 77-82, XP002108713, New York, US, August 1993
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	Birrell et al., "Implementing Remote Procedure Calls," ACM Transactions on Computer Systems, Vol. 2, No. 1, pp. 39-59, February 1984
	Dave et al., "Proxies, Application Interfaces, and Distributed Systems," XP 002009478, IEEE 1992
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	Gosling et al., "The Java™ Language Specification," Sun Microsystems, Inc. (1996)
	R. Guth, "JavaOne: Sun to expand Java distributed computing effort," XP-002109935, (1999)
	Hamilton et al., "Subcontract : A flexible base for distributed programming," Sun Microsystems Laboratories, Inc. DU
HA	Hartman et al., "Liquid Software: A New Paradigm for Networked Systems," Department of Computer Science, The University of Arizona, pp. 1-13 DU

Examiner <i>mslam</i>	Date Considered: <i>4/25/02</i>
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
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*Date unknown = DU*

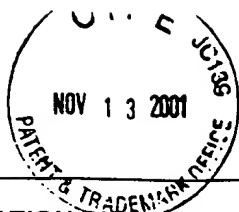
**INFORMATION DISCLOSURE CITATION**  
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Atty. Docket No. 06502.0107-01000	Serial No. 09/044,835
Applicant Robert W. SCHEIFLER et al.	
Filing Date March 20, 1998	Group 2771

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	Jones et al., "Garbage Collection: Algorithms for Automatic Dynamic Memory Management," pages 165-175, John Wiley & Sons, 1996
	Kougiouris et al., "Support for Space Efficient Object Invocation in Spring," September 1994
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MA	Yin et al., "Using Leases to Support Server Driven Consistency in Large-Scale Systems," Computer Services Department, University of Texas at Austin, p. 285-294, May 26-28, 1998

Examiner <i>MA</i>	Date Considered: <i>4/25/02</i>
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
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Paper #4

OMB No. 0651-0011

**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Atty. Docket No. 06502.0107-01000	Application No. 09/688,030
Applicant Robert W. SCHEIFLER et al.	
Filing Date October 12, 2000	Group Art 2171

**RECEIVED**  
NOV 16 2001  
Technology Center 2100**U.S. PATENT DOCUMENTS**

Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
LS	US5,758,344	5/26/1998	Prasad et al.	707	10	10/31/1996
	US5,784,560	7/21/1998	Kingdon et al.	395	200.31	12/15/1995
	US5,978,484	11/2/1999	Apperson et al.	380	25	04/25/1996
	US6,023,586	2/8/2000	Gaisford et al.	395	712	02/10/1998
	US6,058,383	5/2/2000	Narasimhalu et al.	705	44	02/14/1998
	US6,067,575	5/23/2000	McManis et al.	709	300	12/08/1995
MB	US6,282,295	8/28/2001	Young et al.	380	286	10/28/1997

**FOREIGN PATENT DOCUMENTS**

Examiner Initial*	Document Number	Date	Country	Class	Sub Class	Translation Yes or No

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

Examiner <i>MSLam</i>	Date Considered: 4/25/02
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
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3/23/01

OMB No. 0651-0011

## INFORMATION DISCLOSURE CITATION

MAR 23 2001

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MAR 26 2001

Technology Center

Atty. Docket No. 06502-0107-01000		Application No. 09/688,030					
Applicant Robert W. SCHEIFLER et al.							
Filing Date October 12, 2000		Group: UNASSIGNED					
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial*		Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
WJG		5,307,490	04/26/1994	Davidson et al.	395	650	08/28/1992
<b>FOREIGN PATENT DOCUMENTS</b>							
		Document Number	Date	Country	Class	Sub Class	Translation Yes or No
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
Examiner	Malam			Date Considered 4/25/02			
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Atty. Docket No. 06502.0107-01000

Application No. 09/688,030

Applicant Robert W. SCHEIFLER et al.

Filing Date October 12, 2000

Group Art 2171

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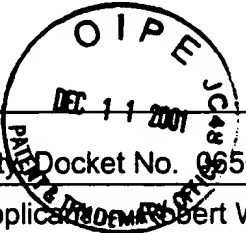
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		Application No. 09/688,030		<b>RECEIVED</b> DEC 13 2001 Technology Center 2100
Attorney Docket No. 06502.0107-01000		Application No. 09/688,030		
Applicant Robert W. SCHEIFLER et al.		Filing Date October 12, 2000		Group Art 2171

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Atty. Docket No. 06502.0107-01000

Application No. 09/688,030

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Applicant: Robert W. SCHEIFLER et al.

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Atty. Docket No. 06502-0487-01000

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Group Art: 2771

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Filing Date October 12, 2000

Group Art: 2771

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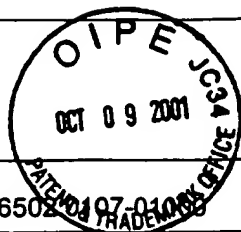
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Atty. Docket No. 06502-04

Application No. 09/688,030

OCT 11 2001

Applicant: Robert W. SCHEIFLER et al.

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